

This was not a novel or complex case; in fact, as the final “Order” indicates, this Court has remanded numerous similar cases based on Mascio v. Colvin, 780 F.3d 632 (4th Cir. 2015). See

(Document No. 27, p. 9). The undersigned respectfully notes that at the motions hearing in this matter Plaintiff's counsel seemed unfamiliar with the Mascio decision even though it was cited in Plaintiff's brief and was ultimately the primary reason Plaintiff prevailed in this matter. See (Document No. 16, pp. 15-16; Document No. 27, pp. 7-10). Counsel's inability to address that case/argument, and her own description of the work done in this case, strongly suggest that either counsel for the parties did not confer as directed, or that they conferred without discussing Plaintiff's strongest argument. See (Document Nos. 25 and 29-4).

In short, the undersigned finds that the requested fees are excessive. Nevertheless, Plaintiff may file a renewed motion that complies with the statute. Any renewed motion should clarify which attorney for Plaintiff did the described work and the rate they propose to charge for their work.

IT IS, THEREFORE, ORDERED that the "Consent Order For Payment Of Attorney Fees Under The Equal Access To Justice Act" (Document No. 29) is respectfully **DENIED WITHOUT PREJUDICE**.

Signed: August 15, 2018



David C. Keesler
United States Magistrate Judge

